

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PROPOSED CONTRACT BETWEEN DELTRAN, INC.)
AND DELTA NATURAL GAS COMPANY, INC. FOR) CASE NO. 95-531
UNDERGROUND NATURAL GAS STORAGE SERVICE)

O R D E R

This matter arising upon request of Deltran, Inc. ("Deltran"), filed November 29, 1995, for confidential protection of the monthly service fee to be charged under its contract with Delta Natural Gas Company, Inc. ("Delta") on the grounds that the information is proprietary, and it appearing to this Commission as follows:

Deltran is the owner and operator of a natural gas storage field in Bell County and has entered into a contract with Delta to store Delta's natural gas in exchange for a monthly storage fee. Copies of the contract have been filed with the Commission and Deltran has requested that the monthly storage fee agreed upon by the parties, as set forth in Exhibit A of the contract, be protected as confidential.

KRS 61.872(1) of the Kentucky Open Records Act requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. 807 KAR 5:001, Section 7, provides the procedure for obtaining confidential protection of information filed with the Commission and claimed to be exempt from the open records provisions of the act. Deltran has not filed a petition for confidential protection or otherwise

complied with the provisions of the regulations and its request must, therefore, be denied.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The request to protect as confidential the monthly service charge contained in Exhibit A to the contract between Deltran and Delta is denied.

2. The information sought to be protected shall be held and retained by this Commission as confidential and shall not be open for public inspection for a period of 20 days from the date of this Order to allow Deltran to file a petition in accordance with the procedure set forth in 807 KAR 5:001, Section 7.

3. If at the expiration of the 20-day period Deltran has not filed a petition in accordance with the regulation, the information sought to be protected shall be placed in the public record without further Orders herein.

Done at Frankfort, Kentucky, this 3rd day of January, 1996.

PUBLIC SERVICE COMMISSION

Linda K Breathitt
Chairman

ATTEST:

Vice Chairman

Don Mills
Executive Director

Robert M. Davis
Commissioner